

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILMINGTON TRUST, NATIONAL
ASSOCIATION, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF WELLS FARGO
COMMERCIAL MORTGAGE TRUST 2015-
NXS2, COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2015-
NXS2, acting by and through Rialto Capital
Advisors, LLC, as Special Servicer under the
Pooling and Servicing Agreement dated as of
July 1, 2015,

Plaintiffs,

v.

WINTA ASSET MANAGEMENT LLC; NEW
YORK CITY DEPARTMENT OF FINANCE;
and SHUIGUN CHEN,

Defendants.

Case No.: 20-cv-05309-JGK

ORDER GRANTING
TEMPORARY RECEIVER'S
MOTION TO DIRECT THAT
NO TENANCY OR OCCUPANCY
EXISTS AT PROPERTY AND
GRANTING POSSESSION

WHEREAS, on April 7, 2022, Ian V. Lagowitz (the “Temporary Receiver”) filed a motion seeking (i) an order declaring that no tenancy or occupancy exists at 70 Broad Street, New York, New York, 10004 (the “Property”) or alternatively (ii) should the Court not make such a declaration, an order granting leave to serve this motion or a substantially similar motion on the purported/potential tenants or occupants of the Property pursuant to Fed. R. Civ. Pro. 4, for the limited purpose to thereafter enter a judgment of possession and warrant of eviction as against any purported tenant(s) or occupant(s) of the Property and in favor of the Temporary Receiver for the Assets of the landlord, Defendant Winta Asset Management LLC.

WHEREAS, on April 8, 2022, the Court issued an order (the “April 8 Order”) granting that the Temporary Receiver leave to serve the motion or a substantially similar motion, on the purported tenants of the Property.

WHEREAS, as forth in a Certificate of Service and Affidavits of Service filed on April 18, 2022, the Temporary Receiver served the purported tenants with copies of the April 8 Order, the Temporary Receiver’s Notice of Motion, dated April 7, 2022, the Declaration of the Temporary Receiver, executed on April 6, 2022, and exhibits attached thereto, and the Temporary Receiver’s Memorandum of Law, dated April 7, 2022.

WHEREAS, the Temporary Receiver filed the motion as served.


WHEREAS, no opposition was filed and the time to file opposition expired.

WHEREAS, on May 6, 2022, the Court issued a Memorandum Opinion and Order, granting the Temporary Receiver’s motion, stating, *inter alia*, “the Court has reviewed the motion and concludes that there is ample basis for granting it. The Temporary Receiver has demonstrated that the Property is currently free of occupants and is not subdivided into separate units.”

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Temporary Receiver’s Motion is **GRANTED**;
2. No tenancy or occupancy exists at the Property;
3. Accordingly, the Temporary Receiver shall have possession of the Property free and clear of any tenancy or occupancy and ^(shall) take appropriate measures to safeguard the Property for the benefit of the parties.

IT IS SO ORDERED:

5/16/22 
Hon. Judge G. Koeltz
United States District Judge

JOHN G. KOELTZ

DGK